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REMARKS

The following is intended as a full and complete response to the Final Office Action dated August 25, 2006, having a shortened statutory period for response set to expire on November 25, 2006.

Claims 1, 3-6, 8-32, 34-37, 39-55, 57 and 63 are pending in the application. Claims 2, 7, 33, 38, 55 and 58-62 are canceled. Claims 32, 34-37, 39-54, 57, and 63 have been amended. Reconsideration and allowance of the claims is requested for the reasons discussed below.

Claim Rejections - 35 U.S.C. § 112

Claims 63 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the rejection. Claim 63 is directed to a computer-readable storage medium carrying one or more sequences of instructions for determining the spacing of objects, including one or more sequences of instructions that cause a processor to perform a step of displaying the established locations for the objects. The Examiner states this

claim claims in the last line 'displaying the established locations for the objects' but does not claim how they are displayed, thus, this claim is claiming something different than that which is discussed at page 32 line 22 to page 33 line 2 which discusses displaying the objects onto the constraint and discusses alternatively displaying the constraint but does not discuss displaying the established location for the objects.

Final Office Action, p. 3.

Applicant believes that this rejection was resolved during a telephone conference held on November 22, 2006 between Jon K. Stewart, Applicant's representative, and Examiner Brier. The parties discussed the rejection of claim 63. The parties also discussed proposed amendments to claim 63, reflected in this response. Examiner and Applicant's representative agreed that the proposed amendments should resolve the rejection under 35 U.S.C. § 101. As discussed, other portions of Applicant's specification clearly show how a set of objects may be mapped onto a defined constraint and subsequently be displayed. As amended, claim 63 recites a limitation of "displaying the objects on said constraint at the established locations for the objects." Applicant's specification includes numerous examples of an object being displayed on a

constraint at locations established using a set of spacing parameters. For example, Figure 4B shows a viewing pane 342 which “provides a viewing area for visually depicting the spacing of objects within a constraint.” *Application*, 16:4-7. In the example of Figure 4B, three box objects are shown being mapped onto the constraint as using the spacing parameters entered in a dialog box. In addition to the example screen shot of Figure 4B, Figure 7B provides examples of object spacing using a tree object placed at various point along a linear constraint using different spacing parameters. Namely, one where the spacing is defined by the center of the object (the spacing of trees on constraint 750) and one where the spacing is defined using an objects’ bounding box (the spacing of tree object along constraint 752). Thus, Applicants believe that claim 63 complies with the written description requirement and, therefore, respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 101

Regarding claims 1, 3-6, 8-32, 34-37, 39-55, 57 and 63:

Claims 1, 3-6, 8-32, 34-37, 39-55, 57 and 63 are rejected under 35 U.S.C. § 101 because the Examiner asserts these claims are directed to non-statutory subject matter. Applicants respectfully traverse this rejection. Specifically, the Examiner suggests:

These claims fail to claim a useful, tangible and concrete result. Each of claims 1, 32, 55, and 57 as a whole and their respective last two steps “mapping the set of points to the defined constraint to establish location of the objects relative to said constraint” and “storing the established locations for the object do not manifest a useful , tangible and concrete result.

Final Office Action, p. 5. Applicants submit that claims 1, 32, 55, and 57 do provide a useful, concrete and tangible result. As discussed in a telephone conference on November 23, 2006 between Applicant’s representative and Examiner Brier, Applicant’s contend, among other things, that the stored values for the established locations for the objects are useful for efficiently generating a screen display, e.g., the display of Figure 4. In some cases, establishing the locations for the spacing in advance of or independently from actually generating the screen display (or recreating a screen display) provides a practical, useful application for this information. For example, storing the established locations for a set of objects may lead to greater efficiency than results from establishing locations for spacing the objects each time the objects and constraint are displayed. Additionally, once established, the user may be presented

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with information about the established locations (e.g., the number of locations used to display a set number of objects), without having to be presented with rendering of objects on the constraints. Furthermore, Applicant's specification expressly contemplates another practical application of the stored established locations; namely, the subsequent processing of this information by additional software modules.

The generated set of points may be returned to a unit of software that is interfacing with the spacing mechanism. ... In certain embodiments, instead of mapping the generating points onto, or within the constraint itself (step 812), the spacing mechanism returns spacing information to a software or hardware modules that is responsible for placing the objects onto or within the constraint.

Application, 33:1-15. For all the foregoing reasons, Applicant believes that the amendments made in a previous response address the 35 U.S.C. § 101 rejection and that claims 1, 32, 55, and 67 and the claims dependent therefrom are in condition for allowance. Accordingly, Applicant respectfully requests allowance of same.

Regarding claims 32, 34-37, 39-54, and 57:

The Examiner rejects claims 32, 34-37, 39-54, and 57, suggesting that "these claims claim carrier wave signals as a tangible computer readable medium." *Final Office Action*, p. 3. Applicant believes that the rejection of claims 32, 34-37, 39-54, and 57 was resolved during a telephone conference with the Examiner held on November 22, 2006. Applicant believes that the amendments made by this response address the 35 U.S.C. § 101 rejection and that these claims are in condition for allowance. Accordingly, Applicant respectfully requests allowance of same.

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CONCLUSION

Based on the above remarks, Applicant believes that he has overcome all of the rejections and objections set forth and that the pending claims are in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



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